

**LIQUOR AND LICENSE COMMISSION**  
**McHenry County Government Center – Administration Building**  
**667 Ware Road**  
**Woodstock IL 60098**

MINUTES OF WEDNESDAY, NOVEMBER 8, 2006

Chairman Hammerand called the meeting to order at 9:15 a.m. The following members were in attendance: John Hammerand; Pete Merkel; Ed Dvorak; Anna May Miller; and Nick Provenzano. Also in attendance: Jamie Rein, Assistant State's Attorneys; Kenneth D. Koehler, Chairman McHenry County Board; and interested public.

John Hammerand, Chairman  
Ed Dvorak                      Pete Merkel  
Anna May Miller              Nick Provenzano

MINUTES OF THE PREVIOUS MEETING: Mr. Merkel made a motion, seconded by Mr. Dvorak, to approve the regular session minutes of September 13, 2006. The minutes were approved as presented with all members present voting aye.

PUBLIC PARTICIPATION: None.

NEW BUSINESS

*Hearing for a violation – Whispers:* Ms. Rein reported that Mr. Schilz, owner of Whispers, had signed an affidavit acknowledging violation of Section 19 of the Liquor Ordinance. The owner had requested an opportunity to address the Commission regarding this issue. Mr. Schilz then came forward and addressed the Commission. He stated that he was in marketing and when he purchased this establishment he focused on making this an “upscale” business and tried to bring in a popular type of entertainment, which is why he provided a “pole” for dancing. He reported that he had not received any type of notice or report from the Sheriff. He only received a notice of violation asking him to “knock it off.” Chairman Hammerand stated to Mr. Schilz that today's hearing was for a liquor violation, not a zoning issue. Mr. Schilz then explained that he did sign the affidavit, but he did not feel he was in violation of items 1, 3 or 4 as described in the Citation and Notice of Hearing. He acknowledged that he may be in violation of item #2. Chairman Hammerand added that a violation of Section 19, item 6 should also have been included in the notice as this item refers to requirements of a stage for all entertainers. Mr. Schilz stated he only intent was to provide a “fun” atmosphere for his customers. The Commission thanked Mr. Schilz for his comments and noted they would go into executive session to discuss this violation.

Ms. Miller made a motion, seconded by Mr. Dvorak, to enter executive session to discuss litigation. The Commission entered executive session at 9:30 a.m. on a roll call vote of all ayes (Miller, Dvorak, Merkel, Provenzano and Hammerand).

EXECUTIVE SESSION: The Commission was in executive Session from 9:30 a.m. until 10:02 a.m.

RETURN TO REGULAR SESSION:

Ms. Miller made a motion, seconded by Mr. Merkel to return to regular session at 10:30 a.m.

Mr. Provenzano addressed Mr. Schilz and asked him how often he is at his establishment known as Whispers in Harvard, Illinois and approximately how long it takes him to drive to this place of business. Mr. Schilz stated he has two homes, one is an apartment above Whispers and one is in Gurnee. If he is at his Harvard resident, he just has to walk down the stairs, if he is in Gurnee, the drive takes about one hour. He stated that when he applied for the liquor license he was informed that he did not need a manager if he resides in the County. The Commission questioned Mr. Schilz on his primary resident and he responded that both homes, noting that he resides in Harvard but also stays at his home in Gurnee when he must travel to Chicago. After further questioning, the Commission asked that Mr. Schilz bring in a “resident” Manager who can be properly finger printed and interviewed to have a Manager on record for his business known as Whispers. Mr. Schilz agreed and will bring this person in at the December meeting.

Ms. Miller made a motion, seconded by Mr. Merkle, to impose a \$1,000 fine to Whispers I located at 17406 Route 173, Harvard, Illinois for violations of the McHenry County Liquor Control Ordinance, Section 19. Mr. Provenzano stated he supported this motion in that there was gross negligence on the part of the owner to allow the activities cited in the incident report of September, 2006. He stated he felt there was clear-cut evidence of violations. On a roll call vote, the motion carried with all members present voting aye (Miller, Dvorak, Merkel, Provenzano and Hammerand).

Chairman Hammerand addressed Mr. Schilz and stated he supported a higher fine if one could be imposed as he felt there was a clear violation of Section 19. He also stated that at the time Mr. Schilz had applied for his dram shop license

he had been provided a copy of the Ordinance with a recommendation to read the document. He asked that Mr. Schilz follow the Ordinance and stated that the type of activity documented in the incident report is not "welcome" in McHenry County.

*New Manager:* The Commission interviewed Mr. William R. Martin who has applied as manager of the Wonder Lake Citgo. After reviewing all paperwork, Mr. Provenzano made a motion, seconded by Mr. Dvorak, to approve Mr. Martin's application for Liquor Manager of the Wonder Lake Citgo. The Motion carried with all members present voting aye (Dvorak, Provenzano, Merkel. Miller and Hammerand).

*Raffle Permits:* The Commission reviewed a raffle application for the Harley Owners Group. Noting all paperwork was in order for each applicant, Ms. Miller made a motion, seconded by Mr. Dvorak to approve Raffle permits for the Harley Owners Group Club of McHenry. The motion carried with all members present voting aye on a voice vote.

*New Liquor Applications:* The Commission interviewed Maria Reyes who has applied for a liquor license under the corporate name of El Yano, Inc. The establishment is located at 11106N US Hwy. 14 in Harvard, Illinois. After reviewing all documents and interviewing the applicant, Mr. Provenzano made a motion, seconded by Mr. Dvorak, to approve a liquor license for El Yano, Inc. subject to finger print report, a health permit and dram shop insurance paid in full to May 1, 2007. On a roll call vote, the motion carried with all members present voting aye (Dvorak, Provenzano, Merkel. Miller and Hammerand).

OLD BUSINESS: *Incident Reports:* Commissioners reviewed an incident report for B.B.T's in Wonder Lake.

ADJOURNMENT: Noting no further business, the meeting adjourned at 10:50 a.m. on a motion by Mr. Provenzano seconded by Mr. Dvorak, with all members present voting aye.

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